

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GERREK FRENCH,

Petitioner,

vs.

IAN WALLACE,

Respondent.

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Case No. 4:13-CV-472-JAR

MEMORANDUM AND ORDER

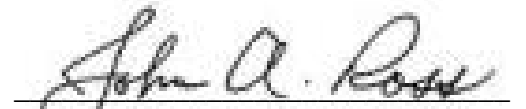
This matter is before the Court on Petitioner's Motion for Extension of Time to File Reply to Respondent's Response to Order to Show Cause [ECF No. 22] and Petitioner's Motion for Extension of Time to file an Amended Petition. [ECF No. 23] Petitioner requests an additional 120 days in which to file his reply to Respondent's Response filed June 25, 2013. (Doc. No. 20) Upon consideration, the Court will grant Petitioner's request. Petitioner also requests an additional 90 days in which to file an amended petition under 28 U.S.C. § 2254. The Court will deny Petitioner's request at this time. If Petitioner wishes to amend his petition, he must file a separate motion for leave to amend, with the proposed amended petition attached. Clayton v. White Hall School Dist., 778 F.2d 457, 460 (8th Cir. 1985). Petitioner is cautioned that the amended petition replaces the original petition, and claims that are not realleged will be deemed abandoned. See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005).

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for Extension of Time to File Reply to Respondent's Response to Order to Show Cause [22] is **GRANTED**. Petitioner is granted until **Friday, October 25, 2013** in which to file his reply to Respondent's Response to Order to Show Cause.

IT IS FURTHER ORDERED that Petitioner's Motion for Extension of Time to file an Amended Petition [23] is **DENIED**.

Dated the 17th day of July, 2013.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE